IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2453 OF 2003
IN
SUMMARY SUIT NO.1165 OF 2003

Bank of Maharashtra ....Plaintiff
V/s.
Pradeep J. Shah & Ors. ....Defendants

Ms.Rekha Tavde i/b M/s.M.V. Kini & Co. for the Plaintiff.
None for the Defendants.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH NOVEMBER, 2005.

P.C. :

1. This is a usual bank suit. The Defendants created an equitable mortgage in respect of the flat described in paragraph 8 of the plaint. No affidavit in reply has been filed.

2. In the circumstances, the Notice of Motion is made absolute in terms of prayer (a) except the portion bracketed in red. The Court Receiver shall however, permit Defendant No.1 to continue to remain in possession as his agent subject to payment of royalty. The Court Receiver shall however not insist upon the security.

3. The Notice of Motion is accordingly disposed

of.